

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TITUS LINTON,

Plaintiff,

v.

Case No. 3:16-CV-492-NJR-GCS

ANGELA CRAIN,

Defendant.

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court on the Report and Recommendation of Magistrate Judge Gilbert C. Sison, which recommends the undersigned grant the Motion for Summary Judgment filed by Defendant Angela Crain. (Doc. 63).

In this lawsuit, filed pursuant to 42 U.S.C. § 1983, Plaintiff Titus Linton alleges Crain falsified statements about his medical care and failed to provide sufficient care commensurate to his medical needs, in violation of the Eighth Amendment (Doc. 11). On March 29, 2018, Crain filed a motion for summary judgment arguing she was not deliberately indifferent to Linton's medical needs and did not violate his Eighth Amendment rights (Doc. 45). Linton timely filed a response in opposition (Doc. 48).

On August 13, 2019, Judge Sison entered the Report and Recommendation currently before the Court (Doc. 63). Judge Sison recommends granting Crain's motion for summary judgment because there is insufficient evidence to allow a reasonable jury to conclude that Crain acted with deliberate indifference to Linton's serious medical needs. Furthermore, because Crain did not violate Linton's clearly established

constitutional rights, Judge Sison also recommends that the undersigned find she is entitled to qualified immunity. Objections to the Report and Recommendation were due August 30, 2019. No objections were filed.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). But, where neither timely nor specific objections to the Report and Recommendation are made, this Court should only review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

While *de novo* review is not required here, the Court has reviewed the evidence and Judge Sison’s Report and Recommendation for clear error. Following this review, the Court agrees with his findings, analysis, and conclusions. Accordingly, the Court **ADOPTS** Judge Sison’s Report and Recommendation in its entirety (Doc. 63), and **GRANTS** the Motion for Summary Judgment filed by Defendant Angela Crain (Doc. 45). As a result, Linton’s pending Motion for Temporary Restraining Order (Doc. 52) is **DENIED as moot**. This action is **DISMISSED with prejudice**, and the Clerk of Court is **DIRECTED** to enter judgment accordingly and close this case.

IT IS SO ORDERED.

DATED: September 6, 2019



NANCY J. ROSENSTENGEL
Chief U.S. District Judge